

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

March 21, 2016
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Denis Anderson, Audrey Nelsen, Ron Christianson, Rick Fagerlie, Shawn Mueske, Steve Ahmann, Andrew Plowman and Tim Johnson. Present 9, Absent 0.

Also present were City Clerk Kevin Halliday, Police Chief Jim Felt, Community Education and Recreation Director Steve Brisendine, Finance Director Steve Okins, Fire Chief Frank Hanson, Planning and Development Services Director Bruce Peterson, Police Captain Michael Anderson and City Attorney Robert Scott.

As an addition to the agenda, Council Member Fagerlie asked to give a brief update on the transit system. Mayor Calvin asked him to do that at this time. Council Member Fagerlie stated the Central Community Transit Board met recently and a merger with Meeker County is getting closer. The new Joint Powers agreement will be brought before the Council in the near future.

Council Member Anderson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of March 7, Willmar Municipal Utilities Board Minutes of March 14, Application for Exempt Permit – Heartland Community Action Agency, Planning Commission Minutes of March 9, Accounts Payable Report through March 16, Willmar Lakes Area CVB Minutes of February 16, and Human Rights Commission Minutes of February 18, 2016. Council Member Fagerlie seconded the motion which carried.

Mayor Calvin announced the Presentation of a Citizen Life-Saving Award and asked Police Chief Felt to come forward. Chief Felt requested the First Responders and Nicholas Stien come forward to honor Mr. Stien with a Citizen Life-Saving Award. On February 9, 2016, Nicholas was at his apartment in Willmar when he discovered his 50-year old neighbor had collapsed in the hallway. He began CPR until officers Tim Wallace and Alex Anderson arrived and continued while they hooked up the external defibrillator. Doug Nelson, the man saved, was transported to the hospital for additional care and was released a few days later with no permanent disability from the incident. Nicholas is a junior at ACGC High School and learned CPR as part of his curriculum. Nicholas's prompt actions were crucial to the survival of his neighbor. Nicholas was presented with the Citizen Life-Saving Award in recognition for his efforts. Doug Nelson, the man saved by his efforts, came forward to speak and thank everyone involved in his incident for giving him a second chance at life. Mayor Calvin also thanked Nicholas for having the courage to step forward. David Nelson, Doug's younger brother, came before the Council to express his thanks to Nicholas and the emergency responders.

Mayor Calvin acknowledged David Little, 2201 SW 21st Street, who wished to speak during the Open Forum. Mr. Little addressed two issues, the first being he urged the Council to approve the Finance Committee's new purchasing policy and not to ignore the advice of the retreat leader who said the Council should be governing from 100,000 feet rather than micromanaging from within the weeds. Secondly he requested the Council do their duty and act on Mayoral appointments as called for in the City Charter. He opined delayed action is unacceptable and delay for political retribution is reprehensible.

Julie Asmus, 1404 SW 16th Street, requested to address the Council during the Open Forum. Ms. Asmus came forward to address the appointments to the Planning Commission and the Zoning Appeals Board stating she was one of the applicants wishing to be appointed and the action was tabled. We are all dedicated citizens who want to volunteer our time and talents. Ms. Asmus stated she submitted her name because she

cares about the City and its future and has a long history of volunteering her time to make Willmar a better place to live. She was a participant in one the first Blandin Leadership Programs which helped build the YMCA in Willmar among many other organizations that have made positive things happen.

Sue Quist, 1451 Hansen Drive SW, was the next contributor to the Open Forum. Ms. Quist felt compelled to respond to the Mayor's Letter to the Editor on Mayoral Appointments. She felt his recommendations for appointment were from the "Recall Ron" group that divided our community. She asked the Council to do what is right and honorable so Willmar can move forward.

Mayor Calvin brought forward for consideration for the first Mayoral Appointment of Julie Asmus to the Planning Commission for the Council's consideration. There are currently two openings and upon review of the application, Mayor Calvin recommended Julie Asmus be appointed. Council Member Anderson made a motion to appoint Julie Asmus to the Planning Commission. Council Member Nelsen seconded the motion. The motion failed with a vote of 3 Ayes, 4 Noes, and 1 Abstaining. Council Members Christianson, Ahmann, Fagerlie and Johnson cast the "no" votes. Council Member Plowman abstained.

Mayor Calvin presented for consideration the Mayoral Appointment of Tom Butterfield to the Zoning Appeals Board. Council Member Christianson made a motion to approve his appointment. Council Member Johnson seconded the motion. Council Member Plowman questioned the application process and Mayor Calvin explained how he determines which individual is considered for which board or commission based on vacancies. Council Member Nelsen commented on the appointments being personal and expressed her disappointment in the process. Council Member Mueske stated the Council is perceived as being divided in two camps and stated he is willing to vote yes for individuals who are willing to serve the community. The Council needs to get back to the business at hand and not all this dichotomy that is going on. Following discussion of the application process, the motion carried.

Mayor Calvin presented for consideration the Mayoral Appointment of Rebecca Trongaard to the Planning Commission and her related background. Council Member Christianson made a motion to approve her appointment. Council Member Mueske seconded the motion, which carried.

The Finance Committee Report for March 14, 2016 was presented to the Mayor and Council by Council Member Anderson. There were seven items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 Staff explained to the Committee that the City of Willmar had previously entered into an agreement with Bolton & Menk for the engineering and construction related services for the Westwood Court Lift Station Project. Bids were opened on March 10th and will be brought forth to the Public Works/Safety Committee Meeting on March 15th for award. Staff is seeking authority to apply for PFA funding for the project estimated in the amount of \$1,140,000. The Committee was recommending the Council introduce a resolution to authorize the City to apply for the Minnesota Public Facilities Authority loan from the Clean Water Revolving Fund in the amount of \$1,140,000.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

RESOLUTION OF APPLICATION FOR PFA FINANCING

BE IT RESOLVED that the City of Willmar is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund for improvements to its municipal wastewater treatment system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Willmar estimates the loan amount to be \$ 1,140,000.00 or the as-bid cost of the project for the Westwood Court Lift Station.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 3 Staff explained to the Committee that there has been discussion and concerns that the City does not have a clear and concise Policy for Accepting Donations and Procedures from the general public, and that they be able to receive documentation in order for the individual or company to meet the IRS Rules and Regulations to take a tax deductible donation when they file their income taxes. A sample policy was presented to the Committee for their review and comments. However, it was noted that under the existing practice, a check made payable to the City of Willmar is normally acceptable to the donor's accountant. The City also would have an individual receipt which could be mailed back to the proper address. If any donor's accountant insisted on a further letter of clarity, the City Clerk-Treasurer would prepare said document on City letterhead and mail it to the proper address. It was the consensus of the Committee that the current Donation Policy and Procedure remain in place at this time. This was received by the Council for information only.

Item No. 4 Staff explained to the Committee that at a previous Finance Committee Meeting, Council Members recommended some changes to the City of Willmar's Purchasing Policy and requested some additional time to consider various policy amounts. It was noted that back in 2004 the City had authorized the City Administrator to approve purchases up to \$20,000 then in 2013; the City Council amended that policy to require Council approval of all Vehicle and Capital Improvement expenditures above \$10,000, whether budgeted or unbudgeted, which creates redundancies. It is staff recommendation that the amount the City Administrator may approve for both budgeted and unbudgeted items be set at \$25,000. A draft of the revised Purchasing Policy incorporating various recommended changes was presented to the Committee for their review.

The Committee was recommending the Council introduce a resolution to approve the City of Willmar's Purchasing Policy as presented, which includes authorization of the City Administrator to approve purchases up to \$25,000, either budgeted or unbudgeted, and that this policy will be reviewed at the end of the year.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin. After a lengthy discussion regarding the policy, the resolution was approved on a roll call vote of Ayes 5, Noes 3. Council Members Christianson, Ahmann and Johnson cast the "no" votes.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to adopt the City's Purchasing Policy as on file in the office of the City Clerk, whereby all payments for capital purchases in excess of \$25,000 must be preapproved by the City Council, unless the project, in aggregate, was previously approved by the City Council. Monthly reports for all approved unbudgeted expenditures shall be provided to the City Council by the City Administrator. The department director, along with the concurrence of the Finance Director, may delegate signature authority to another individual in their department for a set dollar amount, which should be significantly lower than their own signing authority. This authority must be in writing and be kept in the

Finance Department. Further, the City Administrator has authorization to approve purchases up to \$25,000, either budgeted or unbudgeted, and that this policy will be reviewed at the end of the year.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff presented details of the current statutory tort liability limits to the extent of the coverage purchased from the League of Minnesota Cities Insurance Trust. A decision must be made annually whether to waive the limits.

If the City does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover in a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. If the City waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants. Staff was recommending not to waive the statutory tort limits at this time. The Committee's recommendation to the Council was to introduce a resolution stating the City will not waive the statutory tort limits established at \$500,000 per claimant, \$1,500,000 per occurrence.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased, and

WHEREAS, the City Council has reviewed the various options for monetary limits on municipal tort liability, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 City Administrator Kruse informed the Committee that he will be preparing a plan for redistribution of the City Clerk-Treasurer's duties pursuant to the upcoming retirement of Kevin Halliday which has been tentatively given for September 15, 2016. Chair Anderson asked about the possibility of outsourcing investments. Administrator Kruse said that the Finance Department typically performs those duties in other communities. Chair Anderson expressed concerns about the additional work for the Finance Department. Staff noted that a Human Resources position will be added in the future which will be absorbing some duties as well. It is anticipated that a preliminary concept of the redistribution of duties will be

presented at the March 30, 2016, Labor Committee Meeting. This matter was received by the Council for information only.

Item No. 7 Staff noted that the Willmar Municipal Utilities is looking at updating their website. Given the City's intent to do the same, the City Administrator will be meeting with the Utilities to determine possible collaboration in this process. This matter was received by the Council for information only.

It was also noted that the Willmar Municipal Utilities is in the process of updating their building study so staff will be meeting with the Utilities to determine possible collaboration in this process as well, such as using a common architect, etc. Kruse reported he will be working with the Utilities to develop a Request for Proposals for architectural services looking into a new Municipal Utilities Building, City Hall, Civic Center and possibly other collaborative partners regarding space study and facility development. This matter was received by the Council for information only.

There was discussion on the proposed new Local Option Sales Tax. City Administrator Kruse is in the process of meeting with various local government partners for input on regional building needs. It was noted that the Civic Center needs substantial improvements, the Facilities Study shows that City Hall and the Community Center need improvement/replacement, ball fields' lighting is substandard with quality below acceptable levels, and Robbins Island, as a regional park, could use some improvements. Within the next couple of months, staff intends to provide a presentation of a proposed plan to utilize a new local option sales tax to the Council for their review. The Committee was reminded that the Council needs to adopt a resolution to establish a ballot question for a local option sales tax at least 90 days prior to the November election. This matter was received by the Council for information only.

Council Member Anderson made a motion to approve and file the Finance Committee Report for March 14, 2016. Council Member Christianson seconded the motion.

The Public Works/Safety Committee Report for March 15, 2016 was presented to the Mayor and Council by Council Member Christianson. There were twelve items for consideration.

Item No. 1 Mary Lou Arne addressed the Committee on pedestrian crossing at the Library. Mrs. Arne requested a midblock crossing be placed in front of the Library. Public Works Director Christensen discussed opposition to the idea but took into consideration the removal of a parking space to open up sight lines for motorists. The potential reconfiguration of the Block 50 parking lot to address pedestrian concerns was also discussed. The Council received this for information only.

Item No. 2 Police Chief Jim Felt noted the jail census for March 15, 2016 was 124; 56 inmates from the Department of Corrections, 60 inmates from Kandiyohi County, 4 inmates from Swift County, 1 inmate from Lac Qui Parle County, 1 inmate from Pine County, and 2 inmates from Stevens County. The calls for service the previous two weeks totaled 806 and are 11 days ahead of this date last year. The majority of the calls for the previous two weeks were for traffic stops, followed by public assists and suspicious people/vehicles.

Fire Chief Frank Hanson noted the total Fire Department calls for service for the previous two weeks totaled 17. The calls included 4 alarm activations, 3 car accidents, 3 cooking fires, 3 car fires, 1 dryer fire and 1 building fire with major damage. Year to date calls for 2016 totals 68, and is 7 calls down from this time last year. The Committee discussed the calls for service and the mutual aid agreement with other fire departments in Kandiyohi County. The Police and Fire reports were received for information by the Council.

Item No. 3 Staff brought forth, for approval, the authorization for the Fire Department to apply for the IAFC Foundation for a 2016 Hazardous Materials conference grant. The conference is an annual event held in Baltimore and the Foundation is offering a scholarship for registration fees and a \$250 stipend towards lodging. It was the recommendation of the Committee to the Council to authorize the application and if awarded, acceptance of the IAFC Foundation for a 2016 Hazardous Materials conference grant.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to approve an application by the Willmar Fire Department for, and the acceptance of, the International Association of Fire Chiefs Foundation Grant for the 2016 Hazardous Materials Conference for registration fees and a \$250.00 stipend towards lodging.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff brought forth, for approval, the authorization to apply for the Shakopee Mdewakanton Sioux Community for a \$3,000 grant for firefighter protective hoods. The grant is offered annually to public safety agencies for needed equipment, with a 20% match required which would be funded from within their budget. The recommendation to the Council from the Committee was to authorize the application, and if awarded, acceptance of the Shakopee Mdewakanton Sioux Community for a \$3,000 grant for firefighter protective hoods.

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar to approve an application by the Willmar Fire Department for, and the acceptance of, the Shakopee Mdewakanton Sioux Community Grant in the amount of \$3,000 for firefighter protective hoods.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 Staff brought forth, for approval, the purchase of 1,612 cubic yards of Flex Fiber from Fiber Flex in the amount of \$18,655.00. The purchase is for the cover material to be placed around the new playground units to be installed this summer. Staff received three quotes, with the lowest being from Fiber Flex and the product meets all ADA requirements and is mold and flame resistant. The Committee discussed using funds from 2015 in lieu of 2016 CIP funds designated for park development. The Committee was recommending the Council approve the purchase of 1,612 cubic yards of Flex Fiber from Fiber Flex in the amount of \$18,655.00. The Council discussed the funding for the product realizing staff will use 2015 funds if available.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

Whereas the City of Willmar desires to enter into an agreement with Fiber Flex to provide 1,612 cubic yards of Flex Fiber in the amount not to exceed \$18,655.00; and

Whereas an agreement has been prepared detailing the terms of the services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement is approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 7 Staff brought forth, for approval, the purchase of a pressure washer from Swanson Equipment Company in the amount of \$6,372.00. Public Works staff received two quotes for the purchase of the unit in accordance with the 2016 CIP. The Committee was recommending the Council approve the purchase of a pressure washer from Swanson Equipment Company in the amount of \$6,372.00. Council Member Christianson moved the recommendation of the Committee; Council Member Ahmann seconded the motion, which carried.

Item No. 8 Staff brought forth, for approval, to award the contract to Quam Construction of Willmar, MN in the amount of \$458,398.70 for the Country Club Drive Lift Station. Three bids were received, with the low bid submitted by Quam Construction. They anticipate starting mid-summer on the project following a notice to proceed. The Committee's recommendation to the Council is to award the contract to Quam Construction for the Country Club Drive Lift Station in the amount of \$458,398.70.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Quam Construction for Project No. 1510 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$458,398.70.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 9 Staff brought forth, for approval, to award the contract to GM Contracting of Lake Crystal, MN in the amount of \$835,318.72 for the Westwood Court Lift Station. Four bids were received, with the low bid submitted by GM Contracting. They anticipate starting immediately after receiving a notice to proceed. The Committee questioned using the same contractor for both lift station projects, with Josh Halverson of Bolton and Menk stating the competitive bid process was followed in accordance with Minnesota State Statutes. The Committee was recommending the Council award the contract to GM Contracting for the Westwood Court Lift Station in the amount of \$835,318.72.

Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of GM Contracting for Project No. 1511 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$835,318.72.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 10 Staff brought forth, for approval, to award the Fairgrounds Lift Station Design and Construction Related Services to Bolton and Menk, Inc. with an amount not to exceed \$89,565.00 and to adopt a resolution of intent to reimburse to insure the City will be reimbursed for project costs after the date of the resolution. Staff reviewed proposals from two firms and took into consideration both a technical and price score. The Committee was recommending the Council take two actions, award the Fairgrounds Lift Station Design and Construction Related Services to Bolton and Menk, Inc. with an amount not to exceed \$89,565.00 and adopt the resolution establishing procedures relating to compliance with reimbursement regulations under the Internal Revenue Code.

Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

Whereas the City of Willmar desires to retain a firm to provide engineering and construction related services for the Fairgrounds Lift Station; and

Whereas a proposal has been made by the firm of Bolton & Menk, Inc. at an estimated cost of \$89,565.00;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH
REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 11 Staff brought forth, for approval, acceptance of Project No. 1504 and authorizing final payment to Duininck, Inc. in the amount of \$11,465.52 for path overlays and striping. The total cost of the project is \$168,353.64 and is within the project budget of \$171,492.75. The Committee was recommending the Council accept Project No. 1504 and authorize final payment to Duininck, Inc. in the amount of \$11,465.52.

Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1504 – Path Overlay and Striping

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	June 1, 2015
BEGIN WORK:	August 13, 2015
COMPLETE WORK:	September 28, 2015
APPROVE, ENGINEERING DEPT:	October 15, 2015

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1504 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$171,492.75
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$171,492.75
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$168,353.64
Less Previous Payments	\$156,888.12
FINAL PAYMENT DUE CONTRACTOR:	\$ 11,465.52

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 12 Staff brought forth, for approval, the removal of parking on Lakeland Drive from TH No. 12 to Civic Center Drive. Lakeland Drive has been approved for an overlay as part of the 2016 Street Improvement projects and parking needs to be permanently removed from the street to allow for two bike lanes in accordance with State Aid Requirements. It was the recommendation of the Committee that the Council approve the removal of parking along Lakeland Drive from TH No. 12 to Civic Center Drive. Discussion included whether property owners had been notified.

Resolution No. 12 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 12

RELATING TO PARKING RESTRICTIONS on S.A.P. 175-152-005 Lakeland Drive from TH No. 12 to Civic Center Drive in the City of Willmar, Minnesota.

WHEREAS, the "City" has approved the improvement of Lakeland Drive, State Aid Route No. 175-152-005 from TH No. 12 to Civic Center Drive in the City of Willmar, Minnesota; and

WHEREAS, the "City" will be expending Municipal Street Aid Funds on the improvements of this street; and

WHEREAS, this improvement does not provide adequate width for parking on both sides of the street; and approval of the proposed construction as a Municipal State Aid Street Project must therefore be conditioned upon certain parking restrictions.

NOW, THEREFORE, BE IT RESOLVED that the "City" shall ban the parking of motor vehicles on either side of Lakeland Drive from TH No. 12 to Civic Center Drive at all times.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 13 The Committee discussed stormwater tasks and reviewing the list of stormwater issues to be addressed as well as obtaining an education piece provided by Loren Engelby on the Grass Lake project. The Committee discussed salt reduction mandates with staff noting Donohue and Associates were previously contracted to work with the Wastewater Treatment Facility and MPA to approve a 20-year compliance schedule. Staff brought forth the professional services agreement with SRF in the amount of \$56,827.00 for the Rice Park project. The Committee requested the agreement be formally presented at the Council Meeting for Council action.

Community Education and Recreation Director Steve Brisendine presented a professional services agreement with SRF Consulting Group for the Rice Park Improvement Project. The agreement includes them partnering with Engan and Associates to provide architectural services on this project to a total cost of \$56,827.00 which would be funded from the \$706,000 that has been allocated in the 2016 CIP. Council Member Christianson made a motion to approve the agreement with SRF Consulting Group. Council Member Nelsen seconded the motion.

The Council discussed the agreement and the spending of funds by the consulting firm to a subcontractor for the architectural services. City Attorney Robert Scott stated he did not have time to review the entire document. Questions were raised on work scope of the agreement and the experience of the consultant. Community Education and Recreation Director Steve Brisendine reviewed the scope and overseeing of the project by SRF Consulting Group. Council Member Christianson expressed his concern of having the scope of work explained in more detail. Council Member Christianson made a motion to table the motion approving the agreement. Council Member Anderson seconded the motion, which carried with 7 Ayes and 1 No. Council Member Nelsen cast the “no” vote.

Council Member Christianson made a motion to approve and file the Public Works/Safety Committee Report for March 15, 2016. Council Member Ahmann seconded the motion.

Council Member Nelsen made a motion that the SRF Consulting Group document come back before the full Council rather than before Public Works/Safety Committee. Council Member Plowman seconded the motion, which carried.

Mayor Calvin called a recess to the meeting at 9:00 p.m. At 9:06 p.m. the Council reconvened.

Mayor Calvin called the vote on filing the Committee Report, which carried.

The Community Development Committee Report for March 17, 2016 was presented to the Mayor and Council by Council Member Fagerlie. There were four items for consideration.

Item No. 1 Ryan Tillman is the manager for a number of apartments in the City. He requested that the City shift the responsibility for bed bug extermination from the apartment owner to the tenant. The City has an Ordinance that states that if an infestation exists in two or more of the dwelling units or in the shared or public parts of any dwelling containing two or more units, extermination shall be the responsibility of the owner. Mr. Tillman interprets that to read that it is also the financial responsibility of the owner. He stated that attempts to pass the costs on to their tenants have been met with resistance by the tenants and tenants’ attorneys. The Committee told Mr. Tillman that the matter would be looked into.

Mr. Tillman also requested that the meter charge for apartments be charged directly to the tenants rather than the building owner. Committee members suggested that the charge be built into the rent. Council Member Mueske, who is the Council Member liaison to the Municipal Utilities Commission, said that he would talk to Utilities staff about the matter. The Council received this item for information only.

Item No. 2 Staff presented a Council Action Request for an ordinance that would impose residency restrictions on sexual offenders. The ordinance was drafted by City Attorney Robert Scott as a follow up to past discussions held at the Committee level. Under the ordinance, sexual offenders would be prohibited from living within 500 feet of a school, licensed daycare center, park, public playground, or place of worship. Council Member Johnson stated that he had talked to the Mayor about having the separation distance be mapped at 1,000 feet, as he did not believe 500 feet was adequate. He cited several other cities that used the 1,000 foot standard. The Committee discussed the process for offender resettlement. Jim Felt, Police Chief, said that the Department of Corrections notifies the City of level two and level three offenders. Level three offenders are those that require the full public notification. The Chief said that, with or without the ordinance, the procedure would not change for level two and level three notifications.

Ron Davis stated that he was worried about the 720 current offenders who could be released from Moose Lake or Saint Peter. He added that the City has an obligation to protect citizens and recommended the use of the 1,000 foot separation distance. The Committee requested that a map showing a 1,000 foot separation zone be prepared for the Council to view at their next meeting, in addition to the map with a 500 foot separation zone. It was a recommendation of the Committee to the Council to send the matter to the full Council for discussion along with maps of the 500 foot and 1,000 foot separation zones.

The Council reviewed the maps showing the varying separation zones. City Attorney Robert Scott stated there are various cities that have the 1,000 foot separation zone in place by ordinance. As you increase the distance of the restricted area this takes away areas in the City that cannot be restricted and can make it difficult for people with the restrictions to find housing in the community. The question was raised on how the residency-restriction ordinance is enforced and the density of restricted residents in particular areas of the City. It was noted that there are 64 Licensed Day Care Facilities within the City. Council Member Johnson made a motion to introduce the ordinance imposing residency restriction on sexual offenders and sexual predators for a public hearing. Council Member Fagerlie seconded the motion.

After some discussion, Council Member Christianson made a motion to table the motion on the floor pending more information. Council Member Anderson seconded the motion to table, which carried.

Item No. 3 Staff provided a brief update on the status of the Wye project. The southerly realignment of Highway 12 has been selected by the partners as the preferred alternative. Discussions continue among the partners regarding various project details including the spur and south county road/bridge issues. Meetings will occur in the near future with the Federal Railway Administration to discuss the level of environmental review required for the project. The environmental review needs to be completed so that a final grant agreement can be executed by not later than September of 2017.

Planning and Development Director Bruce Peterson updated the Council on the Wye Project. They have met as a partners group which is Mn/DOT, the County the City and BNSF to look at the project and the consensus is the southerly Highway 12 route is preferred. Plans continue to be discussed and in the near future they will be meeting with the FRA (Federal Railroad Authority) concerning the environmental review.

Item No. 4 Staff presented information regarding enforcement efforts dealing with zoning and nuisance violations. In 2015, 630 properties were dealt with for violations of the Zoning Ordinance, resulting in property owner contacts and/or citations. Through Mid-March of 2016, staff has dealt with 130 properties that have been cited for zoning violations. It was noted that compliance is typically achieved rather easily, but there are sometimes violations that require the involvement of the Police Department and City Attorney for prosecution.

Council Member Fagerlie made a motion to approve and file the Community Development Committee Report for March 17, 2016. Council Member Mueske seconded the motion.

City Clerk Kevin Halliday then presented for consideration the On-Sale, On-Sale Club, On-Sale Wine, On-Sale 3.2% Intoxicating Malt Brewers and Off-Sale Liquor License Renewals. The term of the licenses is from April 25, 2016 to April 25, 2017. The Council reviewed the list of establishments for each license type. It was staff's recommendation to approve and submit to the State of Minnesota. A motion was made by Council Member Anderson to approve the renewals. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Kevin Halliday presented for consideration a Civic Center Arena Special Event by On-Sale Liquor License. The Civic Center has rented space to the West Central Builders Association who will hold a two-day show on April 2-3, 2016. On April 2nd, the West Central Builders Association plans to offer free alcohol to their members after closing hours and all the patrons have gone home. The Green Mill has applied for this permit with on-site employee listed as Tim Mattern. The request will go before the CER Joint Powers Board on March 30th. Staff is recommending approval. A motion to approve the Special Event by On-Sale Liquor License at the Civic Center as presented was made by Council Member Fagerlie. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Director Bruce Peterson presented an annexation petition on behalf of Willmar and Carol Cairns for .96 acres on 19th Avenue SW and the plan to utilize municipal services. The Planning Commission has approved the annexation at their February 17, 2016 meeting and Willmar Township has no concerns with the request and have signed a waiver of the 90-day review period. The City

will be asked to reimburse the township one year's taxes totaling \$35.35. Staff is recommending introducing the resolution verify ownership.

Resolution No. 13 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 12

WHEREAS, a proceedings for Annexation (File No. 16-01) have commenced for the following described piece of property:

That part of the Northwest Quarter of the Southwest Quarter, Section 21, Township 119 North, Range 35 West of the Fifth Principal Meridian, Willmar Township, Kandiyohi County, Minnesota described as follows:

- Commencing at the northwest corner of said Southwest Quarter;
- thence on an assumed bearing of South 89 degrees 41 minutes 40 seconds East, along the north line of said Southwest Quarter, a distance of 932.80 feet;
- thence on a bearing of South 0 degrees 16 minutes 39 seconds West a distance of 75.00 feet to the southerly boundary of the Highway right of way, which is the point of beginning of the land to be described;
- thence continuing on a bearing of South 0 degrees 16 minutes 39 seconds West a distance of 150.00 feet;
- thence on a bearing of North 89 degrees 41 minutes 40 seconds West a distance of 11.96 feet;
- thence on a bearing of South 0 degrees 30 minutes 08 seconds West, parallel with the east line of said Northwest Quarter of the Southwest Quarter, a distance of 67.00 feet;
- thence on a bearing of South 89 degrees 41 minutes 40 seconds East, parallel with the north line of said Southwest Quarter, a distance of 200.00 feet;
- thence on a bearing of North 0 degrees 30 minutes 08 seconds East, parallel with the east line of said Northwest Quarter of the Southwest Quarter, a distance of 217.00 feet to the southerly boundary of the Highway right of way;
- thence on a bearing of North 89 degrees 41 minutes 40 seconds West, along the southerly boundary of the Highway right of way, a distance of 188.63 feet to the point of beginning.

WHEREAS, the petitioner has certified and stated that they are the sole owner of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that ownership of the afore described property, by the petitioners, in the manner stated has been verified.

Be IT FURTHER RESOLVED that it has been verified that the Annexation will include City services/improvements/facilities/utilities.

Dated this 21st day of March, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Council Member Ahmann made a motion to introduce the annexation ordinance for a public hearing on April 18, 2016 as required by statute. Council Member Mueske seconded the motion, which carried..

Council Member Plowman made a motion to reconsider the appointment of Julie Asmus to the

Planning Commission. Council Member Nelsen seconded the motion, which carried.

The motion was restored to consider the appointment of Julie Asmus to the Planning Commission. Upon a roll call vote the motion failed with 4 Ayes and 4 Noes. Council Members Christianson, Ahmann, Johnson and Fagerlie cast the “no” votes.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, March 28; Public Works/Safety, 4:45 p.m. at City Hall, March 29; Labor Relations/Full Council, 4:45 p.m. at City Hall March 30, Community Development, 4:45 p.m. at City Hall, March 31, 2016..

Council Member Anderson offered a motion to adjourn the meeting with Council Member Christianson seconding the motion, with carried. The meeting adjourned at 9:50 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL